

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LORI VILO, Personal Representative of  
the Estate of Joshua Joseph Maslowski,

Plaintiff,

Case No. 1:22-cv-962

v.

HON. JANE M. BECKERING

KENT COUNTY, et al.,

Defendants.

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**ORDER**

Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983. Defendants Vitalcore Health Strategies, LLC, David DeGraff, Mary Sue E. MacMillan, and Sonya Rawls filed a Motion to Dismiss (ECF No. 40). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 43) on September 13, 2023, recommending that this Court grant in part and deny in part the Motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 43) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion to Dismiss (ECF No. 40) is GRANTED IN PART AND DENIED IN PART. Specifically, (1) Plaintiff's claims against Defendant Vitalcore Health Strategies, LLC are dismissed; (2) Plaintiff's claim against Defendant David DeGraff proceeds forward; (3) Plaintiff's claim that Defendant Mary Sue E. MacMillan denied him medical treatment on March 11, 2021 proceeds forward; (4) Plaintiff's claim that Defendant Mary Sue E. MacMillan denied him medical treatment on March 20, 2021 is dismissed; (5)

Plaintiff's claim that Defendant Sonya Rawls denied him medical treatment for eye and head pain proceeds forward; and (6) Plaintiff's claim that Defendant Sonya Rawls denied him medical treatment in response to throwing up is dismissed.

Defendant Vitalcore Health Strategies, LLC is terminated from this action.

**IT IS FURTHER ORDERED** that Defendants David DeGraff, Mary Sue E. MacMillan, and Sonya Rawls shall, not later than October 20, 2023, file an answer to Plaintiff's First Amended Complaint (ECF No. 36).

Dated: September 29, 2022

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge